

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	ORDER OF SUSPENSION
	)	
Joshua David Hollar,	)	(BREACH OF CONTRACT)
	)	
<u>Certificate 260128</u>	)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on February 10, 2016. On October 2, 2015, and December 23, 2015, the South Carolina Department of Education (SCDE) attempted to serve Joshua David Hollar a notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Hollar received the second notice and informed the SCDE Office of General Counsel, on January 14, 2016, that he is no longer employed in teaching and that he did not desire a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Mr. Hollar's educator certificate for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017.

FINDINGS OF FACT

This case concerns a formal complaint by the Greenville County School District (District) recommending the suspension of the educator certificate of Joshua David Hollar for breach of contract. The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (Rev. 2004) and S.C. Code Ann § 59-25-530 (Rev. 2004).

Mr. Hollar holds a valid South Carolina educator certificate and has over five years of teaching experience. On April 9, 2015, Mr. Hollar signed a Contractual Agreement with the District to serve as a mathematics teacher at Southside High School for the 2015-2016 school year. Mr. Hollar submitted a letter of resignation on July 21, 2015, stating that his resignation was effective immediately. On July 27, 2015, the District Director of Professional Employment informed Mr. Hollar that his resignation did not meet the guidelines provided in Board Policy GBO and that he had engaged in unprofessional conduct by failing to comply with the provisions

of his contract without having been duly released from his contract. The District also informed Mr. Hollar that a formal complaint would be filed with the State Board of Education.

On August 11, 2015, the District Board of Trustees found that Mr. Hollar failed to comply with the provisions of his contract without the written consent of the District Board of Trustees and that his behavior constituted a breach of his employment contract with the District. The District voted to report Mr. Hollar's breach of contract to SCDE and the State Board. On August 28, 2015, the District reported this matter to SCDE, requesting that the State Board suspend Mr. Hollar's educator certificate.

On October 2, 2015, and December 23, 2015, the SCDE attempted to serve Mr. Hollar with notice of his right to a hearing regarding the possible suspension of his South Carolina educator certificate, by regular and certified mail, return receipt requested, delivery restricted to addressee. Mr. Hollar received the second notice and informed the SCDE Office of General Counsel on January 14, 2016, that he is no longer employed in teaching and that he did not desire a hearing in this matter.

After considering the evidence presented, the State Board voted to suspend Mr. Hollar's educator certificate for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017.

CONCLUSIONS OF LAW

"The State Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004). Just cause includes, *inter alia*, "willful violation of the rules and regulations of the State Board of Education" and "unprofessional conduct." S.C. Code Ann. § 59-25-160 (3) and (4) (Rev. 2004). Pursuant to S.C. Code Ann. § 59-25-530 (Rev. 2004), "any teacher who fails to comply with the provisions of his contract without the written consent of the school board shall be deemed guilty of unprofessional conduct." 24 S.C. Code Ann. Regs. 43-58 (2) and (14) (2011), provides that the State Board of Education has the legal authority, *inter alia*, to suspend a certificate for "wilful neglect of duty" and "failure to comply with the provisions of a contract without the written consent of the local school board." The State Board finds that the evidence presented demonstrates that Mr. Hollar breached his contract and engaged in unprofessional conduct, willfully neglected his duty, and failed to comply with the provisions of his contract without the

written consent of the Greenville County School District. The evidence presented further supports the State Board's determination that just cause exists to suspend the educator certificate of Joshua David Hollar, certificate 260128, for a period of one year, commencing on February 10, 2016, and ending on February 9, 2017. If Mr. Hollar wishes to have his educator certificate reinstated at the end of the suspension period, he shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time he requests reinstatement. Mr. Hollar shall also pay the applicable reinstatement fee. The suspension of Mr. Hollar's educator certificate 260128 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: _____

Michael R. Brennan, Chair

Columbia, South Carolina
February 10, 2016